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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 10, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Long-Term Care
Insurance

CASE NO. INS000130

ORDER TO TAKE NOTICE

WHEREAS, § 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia;

WHEREAS, § 38.2-5202 of the Code of Virginia also provides that the Commission shall promulgate such regulations regarding long-term care insurance policies and certificates as it deems appropriate;

WHEREAS, the rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 200 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150 through 14 VAC 5-200-180, and 14 VAC 5-200-200, and propose new rules at 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187;

WHEREAS, the proposed revisions reflect amendments to certain sections of Chapter 52 of Title 38.2 of the Code of Virginia enacted by the General Assembly of Virginia in its 2000 session and provisions of the model Long-Term Care Insurance regulation adopted by the National Association of Insurance Commissioners ("NAIC") subsequent to the Commission's most recent adoption of amendments to these Rules in 1992 and prior to the amendments currently under consideration by the NAIC; and

WHEREAS, the Commission is of the opinion that the proposed revisions should be considered for adoption with a proposed effective date of December 1, 2000;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110,

14 VAC 5-200-120, 14 VAC 5-200-150 through 14 VAC 5-200-180, and 14 VAC 5-200-200, and propose new rules at 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187, be attached hereto and made a part hereof;

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before September 14, 2000, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS000130;

(3) If no written request for a hearing on the proposed revisions is filed on or before September 14, 2000, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance;

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia; and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.